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CENTRAL FAX CENTER

JAN 18 2006

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San Francisco, CA 94105-1126  
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+1 415 262 4555 Fax  
www.dechert.com

## FAX TRANSMISSION SHEET

DATE January 18, 2006

TO	USPTO General Fax	TEL FAX	(571) 273-8300
FROM	Renee M. Kosslak	TEL	+1 415 262 4577
		FAX	+1 415 262 4555
EMAIL	renee.kosslak@dechert.com		
INVENTOR	Thonnard		
TITLE	BASB111 POLYPEPTIDE AND POLYNUCLEOTIDE FROM MORAXELLA CATARRHALIS		
FILING DATE	April 18, 2002		
SERIAL NO.	10/018,672		
CONFIRMATION NO.	1681		
ART UNIT	1645		
EXAMINER	Baskar, P.		
DOCKET NO.	BM45395 (308548)		
ITEMIZATION OF TRANSMITTED DOCUMENTS	Fax cover sheet: <u>1 pg.</u> Transmittal: <u>2 pgs.</u> Response to Notice Requiring Excess Claims Fees: <u>1 pg.</u> Fee Transmittal: <u>1 pg.</u> Copy of Notice Requiring Excess Claims Fees: <u>2 pg.</u>		

IF ALL PAGES ARE NOT RECEIVED,  
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## CONFIDENTIALITY NOTE

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## MESSAGE

Response to Notice Requiring Excess Claims Fees.

12357721.1.BUSINESS

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JAN 18 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thonnard	Docket No: BM45395 (306548)
Serial No.: 10/018,672	Confirmation No.: 1681
Filed: April 18, 2002	Group Art Unit: 1645
For: BASB111 POLYPEPTIDE AND POLYNUCLEOTIDE FROM MORAXELLA CATARRHALIS	Examiner: Baskar, P.

## TRANSMITTAL

Via Facsimile to (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents for filing in the above-referenced patent application:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal                                 | <input type="checkbox"/> Notice of Appeal                  |
| <input type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Request for Continued Examination |
| <input checked="" type="checkbox"/> Response to Notice Requiring Excess Claims Fees | <input type="checkbox"/> Appeal Brief/Reply Brief          |
| <input type="checkbox"/> Information Disclosure Statement                           | <input type="checkbox"/> Power of Attorney/Revocation      |
| <input type="checkbox"/> Substitute Form PTO/SB/08A-B                               | <input type="checkbox"/> Change of Attorney Docket Number  |
| <input type="checkbox"/> IDS References   | <input type="checkbox"/> Sequence Listing                  |
| <input type="checkbox"/> International/Foreign Search Report                        | <input type="checkbox"/> CRF Diskette                      |
| <input type="checkbox"/> Affidavit/Declaration                                      | <input type="checkbox"/> CD Disc                           |
| <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Return Receipt Postcard           |
| <input checked="" type="checkbox"/> Other (itemize)                                 | <input type="checkbox"/> Exhibits (itemize)                |
| 1. Copy of Notice Requiring Excess Claims Fees                                      | 1.   |

Serial No. 10/018,672

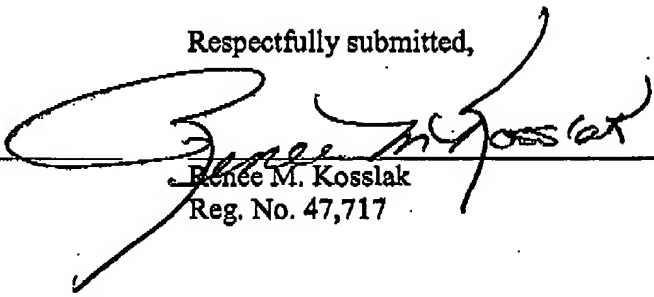
Page 1 of 2

Please direct any inquiries in connection with the above referenced application to the undersigned at telephone number (415) 262-4577.

Respectfully submitted,

Date: January 18, 2006

DECHERT LLP  
Customer No. 37509  
Telephone: 650.813.4800  
Facsimile: 650.813.4848

  
Renee M. Kossiak  
Reg. No. 47,717

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and any listed enclosures are being transmitted via facsimile to the United States Patent and Trademark Office to facsimile number (571) 273-8300 on the date shown below:

Date: January 18, 2006

Signature: 

Carissa Hemphill

12357739.1.BUSINESS

# FEE TRANSMITTAL SHEET (FY 2006)

Complete If Known **RECEIVED**

Application No.	10/018,672	CENTRAL FAX CENTER
Filing Date	April 18, 2002	
First Named Inventor	Thonhard	JAN 18 2006
Examiner Name	Baskar, P.	
Group Art Unit	1645	
Attorney Docket Number	BM45395 (306548)	

☐ Applicant claims small entity status (see 37 C.F.R. 1.27)

## METHOD OF PAYMENT (Check One)

☐ Check ☐ Credit Card ☐ Money Order  
☒ Deposit Account

Deposit Account Number **50-2778**

Deposit Account Name **DECHERT LLP**

The Director is hereby authorized to: (check all that apply)

☒ Charge fees indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or underpayment of fee(s)  
☐ Other (please identify):

### Extra Claim Fees

Current Claims	Extra	Fee	Fee Paid
Total	20	x \$ 50	\$
Ind.	8	x \$ 200	\$
Multiple Dependent Claims		x \$	\$
Subtotal (Extra Claims Fee)			360

### Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

☐ Petition Fee under 37 CFR 1.17(f) Fee \$400

- § 1.53(e) to accord a filing date.
- § 1.57(a) to accord a filing date.
- § 1.182 for decision on a question not provided for.
- § 1.183 to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
- § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.

☐ Petition Fee under 37 CFR 1.17(g) Fee \$200

- § 1.12 for access to an assignment record.
- § 1.14 for access to an application.
- § 1.47 for filing by other than all inventors or person not the inventor.
- § 1.59 for expungement of information.
- § 1.103(a) to suspend action in an application.
- § 1.138(b) for review of a request for ext. of time when § 1.138(a) not avail.
- § 1.205 for review of refusal to publish a statutory invention registration.
- § 1.298 to withdraw a req. for pub. after notice of intent to publish issued.
- § 1.877 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
- § 1.858 for request for ext. of time in *ex parte* reexam. proceedings.
- § 5.12 for expedited handling of foreign filing license.
- § 5.15 for changing the scope of a license.
- § 1.5.25 for retroactive license.

☐ Petition Fee under 37 CFR 1.17(h) Fee \$130

- § 1.19(g) to request documents in a form other than provided in this part.
- § 1.84 for accepting color drawings or photographs.
- § 1.91 for entry of a model or exhibit.
- § 1.102(d) to make an application special.
- § 1.138(c) to expressly abandon an application to avoid publication.
- § 1.313 to withdraw an application from issue.
- § 1.314 to defer issuance of a patent.

## FEE CALCULATION (Continued)

### 3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
110	55	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revoke - unavoidable	
1,500	750	Petition to Revoke - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	
OTHER FEE (specify)			

Subtotal (Additional Fees)

Total Amount of Payment: \$ 380

Submitted by:

CUSTOMER NUMBER: 37509

Individual or Firm Name: DECHERT LLP

Signature:

Phone No.: 415-262-4577

Fax No.: 650-813-4848

Printed Name: Renee M. Kosslak

Reg. No.: 47,717

Date: January 18, 2008

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thonnard  
Serial No.: 10/018,672  
Filed: April 18, 2002  
For: **BASB111 POLYPEPTIDE AND  
POLYNUCLEOTIDE FROM  
MORAXELLA CATARRHALIS**

Docket No: BM45395 (306548)  
Confirmation No.: 1681  
Group Art Unit: 1645  
Examiner: Baskar, P.

## RESPONSE TO NOTICE REQUIRING EXCESS CLAIMS FEES

Via Facsimile to (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice Requiring Excess Claims Fees mailed December 21, 2005,  
Applicant hereby authorizes on the attached fee transmittal to charge fees, in the amount of \$360,  
to Dechert LLP Deposit Account Number 50-2778.

Please direct any inquiries in connection with the above referenced application to the  
undersigned at telephone number (415) 262-4577.

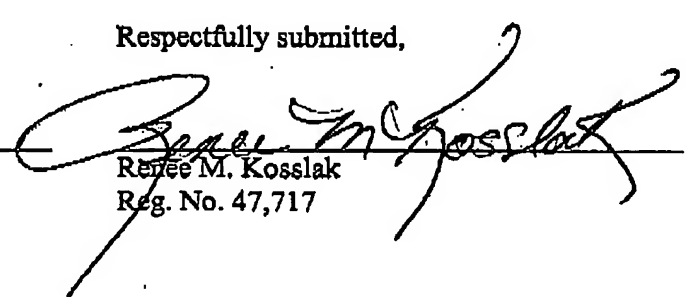
01/20/2006 FHETEKI1 00000032 502778 10018672

01 FC:1203 360.00 DA

Respectfully submitted,

Date: January 18, 2006

DECHERT LLP  
Customer No. 37509  
Telephone: 650.813.4800  
Facsimile: 650.813.4848  
12357757.1.BUSINESS



Renee M. Kossiak  
Reg. No. 47,717

Serial No. 10/018,672

Page 1 of 1

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1459  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,672	04/18/2002	Joelle Thonard	BM45395	1681
25308	7390	12/21/2005		
DECHERT ATTN: ALLEN BLOOM, ESQ 4000 BELL ATLANTIC TOWER 1717 ARCH STREET PHILADELPHIA, PA 19103				
			EXAMINER BASKAR, PADMAVATHI	
			ART UNIT 1645	PAPER NUMBER

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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JAN 03 2006

RECEIVED

JAN 4 2006

DECHERT LLP



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12 JAN 2006  
SFO:CA

PTO-90C (Rev. 10/03)

DOCKETED

File No. 306548 Att. PK

Due Date 1/22/06

Type Response to PTO notice

1st pr: 3rd ext:



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 11/24/05 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 340, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid **ABANDONMENT**. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☒ 1. The funds in Deposit Account No. 50000 are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ \_\_\_\_\_ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):  
\_\_\_\_\_

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

*Q. Moser* (571) 272-0539  
Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.

PTOL-319 (Rev 5-05)